

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Updates to the Furlough Program	REFERENCE NUMBER: 2009-010
DATE ISSUED: 02/11/09	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transactions Supervisors**

FROM: Department of Personnel Administration
Labor Relations Division

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Updates to the Furlough Program - Effective February 2009 (This update supersedes any previous communication to the contrary.)

Overtime

Departments should manage employees who are exempt from FLSA (Workweek Group E) to avoid overtime pay. The Code of Federal Regulation Section 541.710(b) provides that on weeks FLSA exempt employees have a furlough day and have their pay correspondingly reduced they lose their exempt status and become hourly employees. Departments may direct an employee to take his/her furlough day on another day within the month only when it is **absolutely necessary** to work an employee more than 32 hours in the furlough workweek.

WWG E employees shall not be charged leave in less than full day increments even during a furlough week.

Furlough days regardless of when taken do not constitute hours worked for overtime purposes.

Overtime is only earned after 40 hours of work in a work week. We are working with the State Controller's Office to establish a new payment type to request pay for over 32 and up to 40 hours. We will be providing information when we establish the new payment type.

WWG SE employees are statutorily exempt from overtime under FLSA. The FLSA by statute exempts teachers, doctors, and attorneys; therefore they earn no overtime and would not convert to hourly employees.

Permanent Intermittent Employees

An intermittent employee's schedule needs to be determined in advance of the pay period. Intermittent employees will be furloughed based on the number of hours they work in a month, shown in the following chart.

Intermittent Employees

Scheduled Hours Worked in a Month	Holiday Credit Hours Per Day	Furlough Hours for 2 Furlough Days
11 to 30.9	1	2
31 to 50.9	2	4
51 to 70.9	3	6
71 to 90.9	4	8
91 to 110.9	5	10
111 to 130.9	6	12
131 to 150.9	7	14
151 or more	8	16

Below is an example of an intermittent employee who physically works 68 hours in the month of February 2009, four hours per day. There are two furlough days and two holidays in the month. Total the employee's hours for the month as follows:

- 68 hours scheduled to work
- + 6 (3 hours per holiday) = 74 hours
- 74 hours + 8 (4 hours for each Furlough Day) = 82 hours to be paid for the February 2009 pay period
- 68 hours worked counts toward the employee's probation period/FMLA
- 74 hours counts toward the employee's 1,500 hours
- 82 hours counts toward State service/retirement/SISA/MSA/Range Change/Health/Dental/Vision

February 2009						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					30 4 Begin Pay Period	31
1	2 4	3 4	4 4	5 4	6 4 Furlough Day	7
8	9 4	10 4	11 4	12 3 Holiday Lincoln's Birthday	13 4	14
15	16 3 Holiday Washington's Birthday Observed	17 4	18 4	19 4	20 4 Furlough Day	21
22	2 4	3 4	4 4	5 4	27 4	28 End Pay Period

DPA has posted other examples on our website.

Part-Time Employees

The chart for part-time employees is corrected as follows:

Part-Time Employees	
Time Base	Furlough Hours Per Month
1/10	1.6
1/8	2
1/5	3.2
1/4	4
3/10	4.8
3/8	6
2/5	6.4
1/2	8
3/5	9.6
5/8	10
7/10	11.2
3/4	12
4/5	12.8
7/8	14
9/10	14.4

Personnel Office staff with questions may contact the Personnel Services Branch as shown above.

/s/Debbie Endsley

Debbie Endsley
Chief Deputy Director